

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,  
Plaintiffs,  
vs.  
SCOTT USHER, ROBIN USHER,  
Defendants.

**4:13CR3057**

**MEMORANDUM AND ORDER**

Based on the representations of counsel for the parties, trial preparation for this case will require the parties to review of a large numbers of documents, confer with numerous witnesses, and understand a complex set of transactions. After explaining these circumstances, the defendants agree that this case should be excluded from the time limitations of the Speedy Trial Act so that it can be fairly and justly resolved. Accordingly,

**IT IS ORDERED:**

- 1) A trial date will not be set at this time. Instead, a telephonic status conference will be held at 9:00 a.m. on August 7, 2013 before the undersigned magistrate judge to discuss case progression and a potential trial setting. The court will provide call-in information for counsel's participation in the conference call.
- 2) The Court further finds that the time between today's date and August 7, 2013 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

Dated this 7th day of June, 2013.

**BY THE COURT:**

s/ Cheryl R. Zwart  
United States Magistrate Judge